

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D'ANDRE THOMAS,

Plaintiff,

v.

Case No. 23-cv-10107  
Honorable Linda V. Parker

ACCENT CONTROLS, INC.,

Defendant.

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**OPINION AND ORDER GRANTING DEFENDANT'S MOTION TO  
EXTEND DEADLINES FOR DEFENDANT TO SUBMIT RULE 26(a)(2)  
DISCLOSURES AND FOR COMPLETION OF EXPERT DEPOSITIONS**

On January 12, 2023, Plaintiff, with the assistance of counsel, filed this lawsuit against Defendant, alleging race discrimination and retaliation under Title VII of the Civil Rights Act of 1964 and Michigan's Elliott-Larsen Civil Rights Act. On August 5, 2024, Plaintiff's counsel moved to withdraw. (ECF No. 29.) At the time, discovery was ongoing, and Defendant was awaiting Plaintiff's signature on medical record release authorization forms. (See ECF No. 27; ECF No. 38 at PageID. 286.) On August 28, 2024, this Court granted counsel's motion to withdraw and stayed the matter for thirty days to allow Plaintiff to retain new counsel. (ECF No. 32.)

Upon the expiration of the thirty days, the Court lifted the stay and extended certain dates in the previously issued scheduling order to reflect the period of

inactivity. (ECF No. 34.) The deadlines for expert disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) and expert dispositions were not altered, however. (See ECF No. 27.) The parties subsequently entered into a stipulated order further extending certain deadlines. (ECF No. 37.) Specifically, the discovery deadline was extended to January 24, 2025, and the dispositive motion deadline was extended to April 11, 2025. (*Id.*) Plaintiff had not retained new counsel by the expiration of the stay, and so he is proceeding pro se.

The matter is presently before the Court on Defendant's motion to extend the deadlines for it to disclose its Rule 26(a)(2) expert disclosures and complete expert depositions. (ECF No. 38.) Defendant indicates that it received medical record releases from Plaintiff on October 29, 2024, has not yet received those records, and needs to complete Plaintiff's deposition, which is now scheduled for January 20, 2025. Defendant further indicates that it needs Plaintiff's medical records and to complete Plaintiff's deposition before it can identify necessary experts and have those experts prepare their reports.

Before filing the motion, Defendant sought Plaintiff's concurrence in the relief sought in its motion, as required by Eastern District of Michigan Local Rule 7.1. (See *id.* at PageID. 288.) Plaintiff informed Defendant that he objected to Defendant's request, although he did not articulate a reason for his objection. (See ECF No. 38-1.) Plaintiff has now filed a "response" to Defendant's motion;

however, the filing lacks any substance. (*See* ECF No. 40.) In other words, Plaintiff fails to articulate any reason why Defendant's request should not be granted. He does attach email communications to his filing which support Defendant's explanations for why its requested extensions are needed. (ECF Nos. 40-1, 40-2.)

The Court finds good cause to extend the scheduling order deadlines. *See* Fed. R. Civ. P. 16(b)(4). Further, Plaintiff has waived any objection to Defendant's request. *See United States v. Crozier*, 259 F.3d 503, 517 (6th Cir. 2001) (quoting *United States v. Layne*, 192 F.3d 556, 566 (6th Cir. 1999)) (explaining that "issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived").

Accordingly,

**IT IS ORDERED** that Defendant's motion to extend deadlines (ECF No. 38) is **GRANTED** and Defendant's deadline to submit its Rule 26(a)(2) expert disclosures is extended to April 21, 2025, and the deadline to take expert depositions is extended to June 5, 2025. All other dates in the November 13, 2024 scheduling order remain.

**IT IS FURTHER ORDERED** that the status conference scheduled for

December 4, 2024 is **CANCELLED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: December 3, 2024